1 2 3 4 5	DANIEL G. BOGDEN United States Attorney MICHAEL A. HUMPHREYS Assistant United States Attorney 333 Las Vegas Boulevard South, Suite 5000 Las Vegas, Nevada 89101 Telephone: 702-388-6518 Facsimile: 702-388-6787 michael.humphreys@usdoj.gov
6	Attorneys for the United States.
7	
8	UNITED STATES DISTRICT COURT
9	DISTRICT OF NEVADA
10	UNITED STATES OF AMERICA,)
11	Plaintiff, Case No. 2:11-CR-237-JCM-RJJ
12)
13	v.)
14	WUSTON ARELLANO FLORES,)
15	Defendant.
16	
17	<u>ORDER</u>
18	On motion of the United States for dismissal of the claim/petition of Michael Pack
19	for his failure to state a claim from which relief can be granted, pursuant to Rule 12(b)(6)
20	of the Federal Rules of Civil Procedure, as it relates to the seized and forfeited firearm
21	identified as: a Ruger SR9 semi-automatic handgun bearing serial number 310-41273;
22	And it appearing to this Court that Michael Pack has voluntarily withdrawn his
23	claim (Docket # 44) and has no legal and/or equitable interest in the firearm;
24	And it further appearing that the United States has completed all other processes,
25	according to law as it relates to the afore-referenced firearm;
26	
27	
28	

Casse 2:1111-017-00023377-JCWI-RJJ Document \$9 Fileed 003/006/112 FPagge 2:0ff33

1	And it appearing, in all other respects, that the Government's motion to dismiss is
2	well-grounded in law and fact; now, therefore,
3	IT IS ORDERED ADJUDGED AND DECREED, that the United States' Motion
4	To Dismiss The Third-Party Petition/Claim of Michael Pack, is hereby GRANTED, with
5	prejudice; and that
6	to the extent applicable, each party shall bear its own fees and costs.
7	
8	March, 2012 SO ORDERED:
9	Xellus C. Mahan
10	UNITED STATES DISTRICT JUDGE
11	
12	
13	
14	
15	
16	
17	
18	
19	
20	
21	
22	
23	
24	
25	
26	
27	
28	

PROOF OF SERVICE 1 2 I, Elizabeth A. Baechler-Warren, certify that the following individuals were served with a copy of the foregoing (proposed) Order on March 6, 2012, by the below identified method of 3 4 service: 5 CM/ECF: 6 Anthony F. DeMartino 7 515 S. 7th Street Las Vegas, NV 89101 Email: afdlaw@yahoo.com 8 Counsel to the Defendant Wuston Arellano-Flores 9 Monique N. Kirtley Federal Public Defender 10 411 E Bonneville Suite 250 Las Vegas, NV 89101 11 Email: Monique_Kirtley@fd.org Counsel to the Defendant Wuston Arellano-Flores 12 13 Regular First Class Postage: 14 Michael Pack 15 316 Hurst Green Alvin, Tx 77511 16 17 /Elizabeth A. Baechler-Warren 18 **ELIZABETH A. BAECHLER-WARREN** Forfeiture Support Associate Paralegal III 19 20 21 22 23 24 25 26 27 28